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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

**CARRIE ANN BRYAN,**  
| Plaintiff,  
vs.  
**RAY KLEIN, INC. DBA**  
**PROFESSIONAL CREDIT SERVICES,**  
Defendant

Case No.:  
**COMPLAINT;**  
FAIR DEBT COLLECTION PRACTICES  
ACT (15 USC 1692) ; INVASION OF  
PRIVACY  
DEMAND FOR JURY TRIAL

**I. INTRODUCTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the following provisions, resulting from abusive behavior against Plaintiff in the course of Defendant's attempt to collect a debt:

(1) The federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA")

**II. JURISDICTION**

2. The FDCPA claim arises under 15 U.S.C. § 1692k(d), and therefore involves a "federal question" pursuant to 28 USC § 1331. This court has supplemental jurisdiction over the Oregon State claim pursuant to 28 USC § 1337(a).

### **III. PARTIES**

3. Plaintiff, Carrie Ann Bryan ("Plaintiff"), is a natural person residing in Marion County, Oregon.
4. Defendant, Ray Klein, Inc. dba Professional Credit Services, ("Defendant") is a corporation engaged in the business of collecting debts by use of the mails and telephone, and Defendant regularly attempts to collect debts alleged to be due another.

### **IV. FACTUAL ALLEGATIONS**

5. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).
6. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. § 1692a(3).
7. All activities of Defendant set out herein were undertaken in connection with the collection of a "debt," as defined by 15 USC § 1692a(5).
8. Within the last year, Defendant took multiple actions in an attempt to collect a debt from Plaintiff. Included amongst these actions are the following, which amount to violations under various federal and state laws:

- a) Using false representations and deceptive practices in connection with collection of an alleged debt from Plaintiff, including representing that a debt allegedly originally owed to Eugene Water and Electric Board was not subject to a statutory limitation on actions because it was originally owed to a municipal corporation, when in fact Ray Klein, Inc. is not a municipal corporation and its claims are subject to a limitations period (§ 1692e(10));
- b) Using unfair or unconscionable means against Plaintiff in connection with an attempt to collect a debt, including filing a lawsuit to recover several

purchased debts, where the limitations period for recovering these debts by filing a lawsuit had expired (§ 1692f)).

9. As a result of the aforementioned violations, Plaintiff suffered and continues to suffer injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

10. Defendant intended to cause, by means of the actions detailed in paragraph 8, injuries to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and severe emotional distress.

11. Defendant's actions, detailed in paragraph 8, was undertaken with extraordinary disregard of, or indifference to, known or highly probable risks to purported debtors.

12. Defendant's actions, detailed in paragraph 8, constituted an extraordinary transgression of the bounds of socially tolerable conduct

13. To the extent Defendant's actions, detailed in paragraph 8, were carried out by an employee of Defendant, that employee was acting within the scope of his or her employment.

**COUNT I: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT**

14. Plaintiff reincorporates by reference all of the preceding paragraphs.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

A. Declaratory judgment that Defendant's conduct violated the FDCPA.

- B. Actual damages pursuant to 15 USC 1692k.
- C. Statutory damages pursuant to 15 U.S.C. § 1692k.
- D. Costs, disbursements and reasonable attorney's fees for all successful claims, and any unsuccessful claims arising out of the same transaction or occurrence as the successful claims, pursuant to 15 U.S.C. § 1692k; and,
- E. For such other and further relief as may be just and proper.

**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

Dated this 31<sup>st</sup> day of July, 2009.

By:   
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